

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-269 (PJS/DJF)

Plaintiff,

v.

ORDER

Maurrae Stephen Crutchfield,

Defendant.

This matter is before the Court on the parties' motions for discovery, disclosure and other non-dispositive relief. On December 20, 2022, the Court held a hearing to address these motions and Mr. Crutchfield's Motion to Suppress Evidence Obtained as a Result of Search and Seizure and Motion to Suppress Statements, Admissions, and Answers ("Motions to Suppress") (ECF Nos. 22, 23). The Court will address the suppression motions in a separate report and recommendation. During the hearing defense counsel requested that the government be ordered to disclose 404(b) evidence three weeks before trial; the government requested that such disclosures be made two weeks before trial. The parties otherwise waived oral argument on their motions for non-dispositive relief. Based on the statements at the hearing, the parties' written submissions, and on the entire file, the Court enters the following Order.

I. The Government's Motion for Discovery (ECF No. [13])

The Government seeks discovery and disclosure as required by Rules 12.1, 12.2, 12.3, 16(b) and 26.2 of the Federal Rules of Criminal Procedure. The Government's motion is **GRANTED** insofar as Mr. Crutchfield shall provide discovery to the extent required by the

applicable Rules. With respect to expert discovery pursuant to Rules 16(a)(1)(G) and 16(b)(1)(C), the following deadlines shall apply:

- a. Initial expert disclosures: 28 days prior to trial.
- b. Rebuttal expert disclosures: 14 days prior to trial.

II. Defendant's Pretrial Motion for Disclosure of 404(b) Evidence (ECF No. [17])

Mr. Crutchfield's motion for disclosure of evidence the Government may introduce pursuant to Federal Rule of Evidence 404(b) is **GRANTED**. The Government shall provide the notice required by Rule 404(b) at least three weeks prior to trial, but the Court encourages the Government to disclose such evidence as soon as practicable to avoid unnecessary delays. The notice requirement does not apply to evidence of conduct that is inextricably intertwined with the offense conduct charged.

III. Defendant's Motion to Compel the Attorney for the Government to Disclose Evidence Favorable to the Defendant (ECF No. [18])

Mr. Crutchfield's motion to compel the Government to disclose evidence favorable to the defendant is **GRANTED** to the extent required by *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Giglio*, 405 U.S. 150 (1972), and their progeny. These cases impose affirmative and ongoing disclosure obligations on the Government.

IV. Defendant's Motion for Discovery and Inspection (ECF No. [19]) and Defendant's Motion for Discovery of Expert Under Rule 16(a)(1)(G) (ECF No. [21])

Mr. Crutchfield's motions are **GRANTED** insofar as the Government shall provide discovery to the extent required by Rules 16 and 26.2 of the Federal Rules of Civil Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all other applicable statutory and constitutional rules. With respect to expert discovery pursuant to Rules 16(a)(1)(G) and 16(b)(1)(C), the following deadlines shall apply:

- a. Initial expert disclosures: 28 days prior to trial.
- b. Rebuttal expert disclosures: 14 days prior to trial.

V. Defendant's Motion for Early Disclosure of Jencks Act Material (ECF No. [20])

Mr. Crutchfield's Motion for early disclosure of Jencks Act material is **DENIED**. *United States v. White*, 750 F.2d 726, 728–29 (8th Cir. 1984). The Government has agreed to turn over its Jencks Act materials not later than three days before trial. The Court encourages the Government to provide any Jencks Act material it has not already disclosed at least one week prior to trial, and further encourages the government to engage in “open-file” discovery, if possible, to ensure that there are no unnecessary delays at trial and the promote the fairness of the proceeding.

SO ORDERED.

Dated: December 22, 2022

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge